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and HECTOR VAZQUEZ  
8  
9

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 JENNIE QUAN, individually and as  
13 successor in interest to BENJAMIN  
14 CHIN, deceased,  
15  
16 Plaintiff,  
17  
18 v.  
19  
20 COUNTY OF LOS ANGELES;  
21 MARISOL BARAJAS; HECTOR  
22 VAZQUEZ; and DOES 3-10, inclusive,  
23 Defendants.

Case No. 2:24-cv-04805-MCS(KSx)

**DEFENDANTS' SEPARATE  
STATEMENT OF  
UNCONTROVERTED FACTS IN  
SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT, OR PARTIAL  
SUMMARY JUDGMENT**

[Filed Concurrently With: 1)  
Defendants' Motion for Summary  
Judgment, or Partial Summary  
Judgment; 2) Declarations of Marisol  
Barajas, Hector Vazquez, Kyle Toves,  
Ed Flosi, and Jerad J. Miller; 3)  
[Proposed] Order; 4) [Proposed]  
Judgment

[Assigned to Hon. Mark C. Scarsi,  
Courtroom "7C"]

<u><b>Moving Party's Uncontroverted</b></u>	<u><b>Opposing Party's Response and</b></u>
<u><b>Material Facts and Supporting</b></u>	<u><b>Supporting Evidence:</b></u>
<u><b>Evidence:</b></u>	
1. Marisol Barajas was a deputy for the Los Angeles County Sheriff's	1.

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	Department on the day of the	
5	incident.	
6	<b><u>Evidence:</u></b> Declaration of Deputy	
7	Marisol Barajas (“Barajas Decl.”), at ¶	
8	4; COLA 00285 (Exhibit A) – 00286	
9	(Exhibit D).	
10	2. Hector Vazquez was a detective for	2.
11	the Los Angeles County Sheriff’s	
12	Department on the day of the	
13	incident.	
14	<b><u>Evidence:</u></b> Declaration of Deputy	
15	Hector Vazquez (“Vazquez Decl.”), at	
16	¶ 4; COLA 00285 (Exhibit A) (Exhibit	
17	A) – 00286 (Exhibit D).	
18	3. The incident occurred on June 19,	3.
19	2023 in Diamond Bar, CA.	
20	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 5;	
21	Vazquez Decl., at ¶ 5.	
22	4. Deputy Barajas and Detective	4.
23	Vazquez (“Defendant Deputies”)	
24	responded Code-3 after receiving a	
25	dispatch call concerning a man	
26	armed with an AR-15 style rifle	
27	walking around Diamond Bar	
28	Boulevard and wearing a bullet-	
	proof vest, later determined to be	
	the Decedent.	
	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 5;	
	Vazquez Decl., ¶ 5; COLA 00285	
	(Exhibit A) (Exhibit A), at 0:01:40;	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	COLA 00752 (Exhibit E), at 0:3:42 –	
5	0:04:50;	
6	5. Deputy Barajas traveled southbound	5.
7	on Diamond Bar Boulevard, and the	
8	Decedent appeared on the same	
9	street walking northbound.	
10	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 7; COLA	
11	00285 (Exhibit A), at 0:07:25-0:08:12.	
12	6. The Decedent was estimated to be	6.
13	approximately 15 - 20 feet from	
14	Deputy Barajas' vehicle when she	
15	turned on Diamond Bar Boulevard.	
16	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 7; COLA	
17	00285 (Exhibit A), at 0:07:25-0:08:12;	
18	COLA 00755 (Exhibit B), at 08:03.	
19	7. The Decedent continued to move	7.
20	northbound towards deputies and	
21	civilians with his rifle slung around	
22	his shoulder to his right side.	
23	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 7;	
24	Vazquez Decl., ¶ 12; COLA 00285	
25	(Exhibit A), at 0:07:25-0:08:12; COLA	
26	00286 (Exhibit D).	
27	8. Deputy Barajas planned to further	8.
28	the distance between her vehicle	
	and the Decedent due to his ongoing	
	approach, but civilian and deputy	
	vehicles to Deputy Barajas' left and	
	behind her prevented this option.	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4		
5	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 8; COLA	
6	00285 (Exhibit A), at 0:07:25-0:18:57;	
7	COLA 00286 (Exhibit D); COLA	
8	00755 (Exhibit B), at 8:10 – 8:22.	
9	9. Believing that the Decedent was an	9.
10	imminent dangerous threat to	
11	civilians, deputies and herself,	
12	Deputy Barajas exited her vehicle	
13	and drew her firearm	
14	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 9; COLA	
15	00285 (Exhibit A), at 0:07:25; COLA	
16	00755 (Exhibit B), at 7:15 – 10:55;	
17	COLA 00756 (Exhibit C), at 12:00 –	
18	12:15.	
19	10. Deputy Barajas used the driver-side	10.
20	door as cover and stated over her	
21	radio that she was detaining the	
22	suspect.	
23	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 9; COLA	
24	00285 (Exhibit A), at 0:07:25; COLA	
25	00286 (Exhibit D).	
26	11. Deputy Barajas ordered the	11.
27	Decedent to drop his weapon	
28	approximately seven (7) times	
	before firing her first shot from her	
	service handgun.	
	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 10;	
	COLA 00285 (Exhibit A), at 0:07:48 –	
	0:08:06.	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	12. The Decedent ignored Deputy	12.
5	Barajas' seven (7) commands and	
6	continued moving northbound,	
7	progressing to within approximately	
8	7 – 10 feet of Deputy Barajas.	
9	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 10;	
10	COLA 00285 (Exhibit A), at 0:07:48 –	
11	0:08:07; COLA 00756 (Exhibit C), at	
12	12:28.	
13	13. Less-lethal ammunition was not an	13.
14	option because the Decedent posed	
15	an immediate lethal threat due to his	
16	proximity to the civilian, and his	
17	bullet-proof vest would have	
18	rendered less-lethal ammunition	
19	ineffective.	
20	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 11;	
21	COLA 00756 (Exhibit C), at 9:36 –	
22	9:50.	
23	14. Deputy Barajas fired her first shot	14.
24	from her service weapon at the	
25	Decedent, which appeared to have	
26	no effect on the Decedent.	
27	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 12;	
28	COLA 00285 (Exhibit A), at 0:08:07 –	
	00286 (Exhibit D).	
	15. After her first shot, Deputy Barajas	15.
	reassessed the situation and	
	determined the Decedent was still	
	an imminent dangerous threat	
	because he continued advancing	
	with his rifle.	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4		
5	<b><u>Evidence:</u></b> Barajas Decl., at ¶¶ 12, 14;	
6	COLA 00285 (Exhibit A), at 0:08:07 –	
7	0:08:14; COLA 00756 (Exhibit C), at	
8	9:36 – 12:11.	
9		
10	16. The Decedent's bullet-proof vest	16.
11	prevented the Defendant Deputies	
12	from determining the extent of any	
13	injuries he suffered from their	
14	gunshots.	
15	<b><u>Evidence:</u></b> Barajas Decl., at ¶¶ 12, 14;	
16	COLA 00285 (Exhibit A), at 0:08:07 –	
17	0:08:20; COLA 00286 (Exhibit D), at	
18		
19	17. Deputy Barajas commanded the	17.
20	Decedent to drop his rifle an eighth	
21	(8) time as he continued his	
22	approach.	
23	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 12;	
24	COLA 00285 (Exhibit A), at 0:08:07 –	
25	0:08:14.	
26		
27	18. Deputy Barajas then ordered the	18.
28	Decedent to drop his weapon a	
	ninth (9) time and begins ordering	
	him to drop it a tenth (10) time, but	
	her order is interrupted by Detective	
	Vazquez's first shot.	
	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 13;	
	COLA 00285 (Exhibit A), at 0:08:07 –	
	0:08:14; COLA 00286 (Exhibit D), at	
	0:05:25.	

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<p><b><u>Moving Party's Uncontroverted</u></b> <b><u>Material Facts and Supporting</u></b> <b><u>Evidence:</u></b></p>	<p><b><u>Opposing Party's Response and</u></b> <b><u>Supporting Evidence:</u></b></p>
<p>19. The Decedent remained standing and capable of firing his rifle slung around his shoulder, indicating to Deputy Barajas that he still remained a dangerous lethal threat to civilians and deputies.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 14; COLA 00285 (Exhibit A), at 0:08:14; COLA 00286 (Exhibit D); COLA 00756 (Exhibit C), at 9:36 – 12:11.</p>	<p>19.</p>
<p>20. While the Decedent was still approaching, Deputy Barajas fired two additional shots at the Decedent.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 15; COLA 00285 (Exhibit A), 0:08:13 – 0:08:15; COLA 00286 (Exhibit D), at 0:05:27 – 0:05:29.</p>	<p>20.</p>
<p>21. Deputy Barajas recalled firing three-to-four (3-4) shots total at the Decedent, but body-worn camera of the incident details that she fired three shots.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 15; COLA 00285 (Exhibit A), 0:08:13 – 0:08:15; COLA 00286 (Exhibit D), at 0:05:27 – 0:05:29.</p>	<p>21.</p>
<p>22. The Decedent still remained standing with his rifle after Deputy Barajas' two additional shots.</p>	<p>22.</p>

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	<b><u>Evidence:</u></b> COLA 00285 (Exhibit A),	
5	at 0:08:13 – 0:08:15; COLA 00286	
6	(Exhibit D).	
7	23. Detective Vazquez then fires the	23.
8	final shot, after which the Decedent	
9	is finally immobilized and drops to	
	the ground with his rifle.	
10	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 16;	
11	Vazquez Decl., at ¶ 17, 19; COLA	
12	00285 (Exhibit A), at 0:08:16; COLA	
13	00286 (Exhibit D), at 0:05:29.	
14	24. Deputy Barajas' use of force was	24.
15	reasonable at all times during the	
16	encounter with the Decedent.	
17	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 1-17;	
18	COLA 00285 (Exhibit A) – 00286	
	(Exhibit D); COLA 00756 (Exhibit C).	
19	25. Once the Decedent was	25.
20	immobilized, Deputy Barajas did	
21	not discharge her weapon further.	
22	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 15-16;	
23	Vazquez Decl., ¶ 17; COLA 00285	
24	(Exhibit A), at 0:08:15 – 0:18:57;	
25	COLA 00286 (Exhibit D), 0:05:32 –	
	0:16:14.	
26	26. Before responding to Diamond Bar	26.
27	Boulevard, Deputy Barajas received	
28	radio calls from dispatch and	
	responding deputies on the L-TAC	



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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	radio that there was a stabbing	
5	victim, the Decedent was armed	
6	with an AR-15-style rifle, he had	
7	fired multiple rounds, and was	
	wearing a bullet-proof vest.	
8	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 5-6;	
9	COLA 00285 (Exhibit A), at 0:1:42;	
10	0:03:08; 0:04:41; COLA 00755	
11	(Exhibit B), at 07:23.	
12	27. After arriving at the incident	27.
13	location, she observed the Decedent	
14	wearing bullet-proof vest and	
15	wielding an AR-15 – establishing	
16	that the Decedent was a lethal threat	
	and anticipated a violent conflict.	
17	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 7;	
18	Vazquez Decl., ¶ 13; COLA 00285	
19	(Exhibit A), at 0:07:28 – 0:18:57,	
20	COLA 00286 (Exhibit D), at 0:05:14 –	
	0:05:31.	
21	28. In the direct path of the Decedent	28.
22	on Diamond Bar Boulevard were	
23	deputies and civilians in vehicles.	
24	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 7;	
25	Vazquez Decl., ¶ 14; COLA 00285	
26	(Exhibit A), at 0:07:25-0:18:57; COLA	
27	00286 (Exhibit D), at 0:05:14 –	
	0:16:14.	
28	29. As Detective Vazquez proceeded to	29.
	the incident location, dispatch	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	broadcast that the Walnut Sheriff's	
5	Station had received multiple calls	
6	regarding the same suspect, and that	
7	he had fired shots from his rifle and	
	was wearing a bullet-proof vest.	
8	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 5; COLA	
9	00285 (Exhibit A) – 00286 (Exhibit	
10	D), at 0:1:00 – 0:04:55; COLA 00752	
	(Exhibit E), at 0:3:42 – 0:04:50.	
11	30. After arriving near the intersection	30.
12	of Crooked Creek Drive and Rising	
13	Star Drive, Detective Vazquez	
14	observed numerous civilians who	
15	appeared to be frightened by the	
	Decedent.	
16	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 7; COLA	
17	00752 (Exhibit E), at 6:25-6:36.	
18	31. Due to the reports that the suspect	31.
19	was carrying an assault rifle,	
20	Detective Vazquez grabbed his	
21	shotgun and loaded it with slug	
	ammunition.	
22	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 6; COLA	
23	00286 (Exhibit D), at 0:02:53 –	
24	0:03:05.	
25	32. While looking for the suspect,	32.
26	Detective Vazquez observed an	
27	elderly Asian female with blood on	
28	her hands, who later was	
	determined to be Plaintiff Jennie	
	Quan.	

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3	<b><u>Evidence:</u></b>	
4		
5	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 8; COLA	
6	00286 (Exhibit D), at 0:02:12 –	
7	0:02:28.	
8	33. Plaintiff approached the deputies	33.
9	and asked us them not to harm the	
10	suspect.	
11	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 8; COLA	
12	00286 (Exhibit D), 0:02:12 – 0:02:28.	
13	34. Although Detective Vazquez did	34.
14	not know that the elderly Asian	
15	female was the Decedent's mother	
16	at the time of the initial interaction,	
17	he believed she was acquainted with	
18	the Decedent because she asked the	
19	deputies not to harm him.	
20	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 8-9;	
21	COLA 00286 (Exhibit D), 0:02:12 –	
22	0:02:28; COLA 00752 (Exhibit E)	
23	08:45 – 09:00.	
24	35. The Decedent's willingness to	35.
25	attack someone he knew with	
26	deadly force heightened Detective	
27	Vazquez's fears that the Decedent	
28	was a threat and willing to use	
	deadly force against him, other	
	deputies or civilians.	
	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 10; COLA	
	00285 (Exhibit A) – 00286 (Exhibit	
	D); COLA 00752 (Exhibit E), at 09:02	
	– 09:25.	

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3	<b><u>Evidence:</u></b>	
4		
5	36. Deputy Carlos De La Torre	36.
6	informed Detective Vazquez that	
7	the Decedent was approaching	
8	Diamond Bar Boulevard.	
9	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 8; COLA	
10	00286 (Exhibit D), at 0:02:21.	
11	37. Detective Vazquez observed the	37.
12	Decedent approximately 150-200	
13	feet ahead of him wearing a bullet-	
14	proof vest and what appeared to be	
15	an AR-15 rifle with an optical lens	
16	for improved accuracy.	
17	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 11; COLA	
18	00286 (Exhibit D), at 0:03:00 –	
19	0:03:25; COLA 00752 (Exhibit E), at	
20	10:28 – 11:10.	
21	38. Detective Vazquez reasonably	38.
22	believed that the Decedent would be	
23	capable of accurately striking him,	
24	other deputies or civilians from	
25	approximately 150 – 200 feet away	
26	with an AR-15 equipped with an	
27	optical lens.	
28	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 11; COLA	
	00286 (Exhibit D); COLA 00752	
	(Exhibit E), at 10:28 – 11:10.	
	39. Positioned behind the Decedent,	39.
	Detective Vazquez began	
	approaching the Decedent with his	

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3	<b><u>Evidence:</u></b>	
4	shotgun.	
5	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 12; COLA	
6	00286 (Exhibit D), at 0:03:15 –	
7	0:05:35.	
8	40. Detective Vazquez yelled repeated	40.
9	commands for the Decedent to drop	
10	his weapon, which the Decedent	
11	ignored.	
12	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 12; COLA	
13	00286 (Exhibit D), at 0:03:15 –	
14	0:05:35.	
15	41. The Decedent then continued	41.
16	approaching the deputies positioned	
17	in front of him on Diamond Bar	
18	Boulevard with his rifle in the low-	
19	ready position on his right side.	
20	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 7-16;	
21	Vazquez Decl., ¶ 12.; COLA 00285	
22	(Exhibit A), 0:08:13 – 0:08:17; COLA	
23	00286 (Exhibit D), at 0:05:00 –	
24	0:05:32	
25	42. To prevent against the threat that	42.
26	the Decedent could turn around and	
27	shoot at the deputies positioned	
28	where Detective Vazquez was	
	located, Deputy Vazquez asked	
	Detective Christopher Bronowicki	
	to use his vehicle as cover as the	
	deputies approached the Decedent.	
	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 13; COLA	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	00286 (Exhibit D), at 0:03:30 –	
5	0:05:03.	
6	43. Detective Vazquez urgently	43.
7	pursued the Decedent towards	
8	Diamond Bar Boulevard with fears	
9	that the Decedent could open-fire	
10	on deputies and civilians at any	
11	point.	
12	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 13; COLA	
13	00286 (Exhibit D), at 0:03:30 –	
14	0:05:03; COLA 00752 (Exhibit E), at	
15	14:30 – 16:01.	
16	44. The Decedent's bullet-proof vest	44.
17	and AR-15 signaled to Detective	
18	Vazquez that he was ready for a	
19	violent conflict, which heightened	
20	Deputy Vazquez's fears because he	
21	understood Diamond Bar Boulevard	
22	to constitute a heavily trafficked	
23	roadway where significant civilian	
24	presence is likely.	
25	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 13; COLA	
26	00285 (Exhibit A) – 00286 (Exhibit	
27	D); COLA 00752 (Exhibit E), at 14:30	
28	– 16:01.	
29	45. Detective Vazquez continued to	45.
30	give commands to the Decedent to	
31	drop his weapon while pursuing	
32	him from behind from Crooked	
33	Creek Drive to Diamond Bar	
34	Boulevard, but the commands were	
35	ignored.	

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1	<b><u>Moving Party's Uncontroverted</u></b>	<b><u>Opposing Party's Response and</u></b>
2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4		
5	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 14; COLA	
6	00286 (Exhibit D), at 0:02:30 –	
7	0:05:03.	
8	46. As Detective Vazquez turned the	46.
9	corner of Crooked Creek Drive and	
10	approached Diamond Bar	
11	Boulevard, he observed civilian and	
12	deputy vehicles directly in front of	
13	the Decedent's path.	
14	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 15; COLA	
15	00286 (Exhibit D), at 0:05:14.	
16	47. There was the risk of crossfire from	47.
17	his position due to the civilian and	
18	deputy vehicles directly in front of	
19	the Decedent, so Detective Vazquez	
20	repositioned himself towards the	
21	Decedent's left-flank without any	
22	cover.	
23	<b><u>Evidence:</u></b> Vazquez Decl., ¶ 15; COLA	
24	00286 (Exhibit D), at 0:05:00 –	
25	0:05:25; COLA 00752 (Exhibit E), at	
26	14:30 – 16:01.	
27	48. As he was flanking the Decedent,	48.
28	Detective Vazquez heard one	
	gunshot from an unknown source.	
	<b><u>Evidence:</u></b> Vazquez Decl., ¶15; COLA	
	00286 (Exhibit D), at 0:05:20; COLA	
	00752 (Exhibit E), at 18:50 – 19:00.	

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<p><b><u>Moving Party's Uncontroverted</u></b> <b><u>Material Facts and Supporting</u></b> <b><u>Evidence:</u></b></p>	<p><b><u>Opposing Party's Response and</u></b> <b><u>Supporting Evidence:</u></b></p>
<p>49. Detective Vazquez observed that the Decedent had been impacted because he momentarily stopped, but the Decedent then continued forward.</p> <p><b><u>Evidence:</u></b> Vazquez Decl., ¶ 16; COLA 00286 (Exhibit D), at 0:05:20- 0:05:22.</p>	<p>49.</p>
<p>50. Detective Vazquez then perceived the Decedent's elbow raise as if to reach for his rifle, position the barrel forward, and begin firing.</p> <p><b><u>Evidence:</u></b> Vazquez Decl., ¶ 16; COLA 00286 (Exhibit D), at 0:05:22; COLA 00752 (Exhibit E), at 19:30 – 20:00.</p>	<p>50.</p>
<p>51. The Decedent was approximately 10-15 feet from the civilian and deputy vehicles in front of him at this point.</p> <p><b><u>Evidence:</u></b> Vazquez Decl., ¶ 16; COLA 00286 (Exhibit D), 0:05:25.</p>	<p>51.</p>
<p>52. Fearing that the Decedent was going to shoot at deputies and civilians, Detective Vazquez fired one round from his shotgun at the Decedent.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 16; Vazquez Decl., ¶13; COLA 00285 (Exhibit A), at 0:08:12; COLA 00286 (Exhibit D), at 0:05:26.</p>	<p>52.</p>



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<p><b><u>Moving Party's Uncontroverted</u></b> <b><u>Material Facts and Supporting</u></b> <b><u>Evidence:</u></b></p>	<p><b><u>Opposing Party's Response and</u></b> <b><u>Supporting Evidence:</u></b></p>
<p>53. The round struck the Decedent's bullet-proof vest and appeared to have no effect on the Decedent.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 12-14; Vazquez Decl., ¶ 16; COLA 00285 (Exhibit A), at 0:08:12; COLA 00286 (Exhibit D), at 0:05:26.</p>	<p>53.</p>
<p>54. Without cover and believing that the Decedent would turn towards Detective Vazquez to shoot him, Detective Vazquez fired a second shotgun round at the Decedent.</p> <p><b><u>Evidence:</u></b> Vazquez Decl., ¶ 17; COLA 00286 (Exhibit D), at 0:05:30; COLA 00752 (Exhibit E), at 20:50 – 21:50.</p>	<p>54.</p>
<p>55. The Decedent fell to the ground after Detective Vazquez fired his second shot.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 16; Vazquez Decl., ¶ 14; COLA 00285 (Exhibit A), at 0:08:18; COLA 00286 (Exhibit D), at 0:05:32.</p>	<p>55.</p>
<p>56. The Decedent dropped his rifle when he fell to the ground after Detective Vazquez's second shot.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 17; Vazquez Decl., ¶ 15; COLA 00285 (Exhibit A), at 0:10:13; COLA 00286 (Exhibit D), at 0:05:34</p>	<p>56.</p>

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<p><b><u>Moving Party's Uncontroverted</u></b> <b><u>Material Facts and Supporting</u></b> <b><u>Evidence:</u></b></p>	<p><b><u>Opposing Party's Response and</u></b> <b><u>Supporting Evidence:</u></b></p>
<p>57. With the AR-15 still within the Decedent's reach, a plan was developed to safely and securely approach the Decedent so that medical care could be rendered from approximately 11:45:15 to 11:47:07.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 17-18; Vazquez Decl., ¶ 19-20; COLA 00285 (Exhibit A), at COLA 00286 (Exhibit D), at 0:06:00 – 0:07:30.</p>	<p>57.</p>
<p>58. Deputies cautiously approached the Decedent, handcuffed him and began rendering aid after he fell to the ground.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 18-20; Vazquez Decl., ¶ 19-20; COLA 00285 (Exhibit A), at 0:10:42 – 0:18:57; COLA 00286 (Exhibit D), at 0:0:25 – 0:16:14.</p>	<p>58.</p>
<p>59. Deputy Vazquez's use of force was reasonable based on the totality of circumstances.</p> <p><b><u>Evidence:</u></b> Barajas Decl., at ¶ 5-20; Vazquez Decl., ¶ 5-20; COLA 00285 (Exhibit A) – 00286 (Exhibit D).</p>	<p>59.</p>
<p>60. The final shot by Detective Vazquez is discharged at approximately 11:45:15 on body-worn camera footage.</p> <p><b><u>Evidence:</u></b> COLA 00285 (Exhibit A)</p>	<p>60.</p>

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	0:08:17; COLA 00286 (Exhibit D), at	
5	0:05:30.	
6	61. The Defendant Deputies were	61.
7	unable to determine the extent of	
8	the Decedent's injuries due to his	
9	bullet-proof vest, preventing the	
10	deputies from assessing that the	
11	Decedent was no longer a threat.	
12	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 18;	
13	Vazquez Decl., at ¶19.	
14	62. At approximately 11:47:17 –	62.
15	11:47:39, after making a	
16	determination that the Decedent is	
17	no longer a threat, the deputies	
18	approach the Decedent and place	
19	him in handcuffs.	
20	<b><u>Evidence:</u></b> COLA 00285 (Exhibit A),	
21	at 0:10:19 – 0:10:41; COLA 00286	
22	(Exhibit D), at 0:07:33 – 0:07:55.	
23	63. From approximately 11:47:41 –	63.
24	11:48:30, the Decedent's bullet-	
25	proof vest is un-Velcroed, his	
26	person is searched, and the deputies	
27	release him from his handcuffs.	
28	<b><u>Evidence:</u></b> COLA 00285 (Exhibit A),	
	at 0:10:42 – 0:11:31; COLA 00286	
	(Exhibit D), at 0:07:57 – 0:08:46.	
	64. Deputies removed the Decedent's	64.

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	vest and cleaned blood from his	
5	body.	
6	<b><u>Evidence:</u></b> COLA 00285 (Exhibit A),	
7	at 0:11:24 – 0:18:57; COLA 00286	
8	(Exhibit D), at 0:08:30 – 0:16:14.	
9	65. At approximately 11:49:40,	65.
10	paramedics from the fire department	
11	begin assisting with the Decedent's	
12	aid.	
13	<b><u>Evidence:</u></b> COLA 00285 (Exhibit A),	
14	at 0:12:42; COLA 00286 (Exhibit D),	
15	at 0:09:55.	
16	66. At approximately 11:57:40, the	66.
17	Decedent is taken from the scene on	
18	a gurney and placed in an	
19	ambulance.	
20	<b><u>Evidence:</u></b> COLA 00289 (Exhibit F), at	
21	0:15:28.	
22	67. The Defendant Deputies fulfilled	67.
23	their duty of summoning prompt	
24	medical care as soon as reasonably	
25	possible.	
26	<b><u>Evidence:</u></b> Barajas Decl., at ¶ 17-20;	
27	Vazquez Decl., ¶ 19-20; COLA 00285	
28	(Exhibit A), at 0:11:25 COLA 00286	
	(Exhibit D), at 0:07:33 – 0:16:14;	
	COLA 00289 (Exhibit F), at 0:06:00 –	
	0:20:28.	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	68. LASD deputies had a legitimate law	68.
5	enforcement purpose and reasonable	
6	suspicion to contact and detain the	
7	Decedent.	
8	<b><u>Evidence:</u></b>	
9	Declaration of Ed Flosi "Flosi Decl."	
10	¶11-12	
11	69. The deputies' actions were	69.
12	consistent with current law	
13	enforcement training and practices	
14	the appropriate level of force was	
15	used.	
16	<b><u>Evidence:</u></b>	
17	Flosi Decl. ¶ 11-12	
18	70. LASD deputies had a legitimate law	70.
19	enforcement purpose and probable	
20	cause to arrest decedent.	
21	<b><u>Evidence:</u></b>	
22	Flosi Decl. ¶ 13-14	
23	71. A reasonable officer could have an	71.
24	honest and strong belief that	
25	Decedent's actions were in violation	
26	of California Penal Code §	
27	148(a)(1).	
28	<b><u>Evidence:</u></b>	
	Flosi Decl. ¶11-15,	
	72. The deadly force response by	72.
	Defendants Barajas and Vasquez	
	was appropriate and reasonable to	
	prevent a perceived imminent and	
	credible threat of serious bodily	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	injury or death.	
5		
6	<b><u>Evidence:</u></b> Flosi Decl. ¶21-29.	
7	73. The actions of decedent created a	73.
8	life-threatening situation and forced	
9	the deputies to react quickly and	
10	decisively.	
11	<b><u>Evidence:</u></b>	
12	Flosi Decl. ¶27.	
13	74. Deadly force responses by the	74.
14	deputies were appropriate and	
15	reasonable to prevent a perceived	
16	credible threat of injury created by	
17	the Decedent's actions and	
18	behaviors.	
19	<b><u>Evidence:</u></b>	
20	Flosi Decl. ¶ 21-29.	
21	75.The deadly force responses by	75.
22	Deputy Vasquez and Deputy Barajas	
23	were appropriate and consistent with	
24	current law enforcement training	
25	standards in consideration of the	
26	"totality of circumstances" presented	
27	to them at the moments non-deadly	
28	force was used.	
	<b><u>Evidence:</u></b>	
	Flosi Decl. ¶ 21-29.	
	76.Officers are trained that for an	76.
	investigative stop of detention to be	
	valid, there must be reasonable	
	suspicion that: (1) criminal activity	
	may be afoot and (2) the person	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	about to be detained is connected	
5	with that possible criminal activity.	
6	<b><u>Evidence:</u></b>	
7	Flosi Decl. ¶ 12.	
8	77. Under the totality of the	77.
9	circumstances, a reasonable officer	
10	could conclude that the subject	
11	described in the call for service was	
12	involved or preparing to become	
13	involved in criminal activity hence	
14	LASD deputies had a legitimate law	
15	enforcement purpose and reasonable	
16	suspicion to contact and detain	
17	Decedent.	
18	<b><u>Evidence:</u></b>	
19	Flosi Decl. ¶ 13.	
20	78. The deputies' actions were consistent	78.
21	with current law enforcement	
22	training and practices.	
23	<b><u>Evidence:</u></b>	
24	Flosi Decl. ¶¶ 11, 14, 16, 22, and 30.	
25	79. There is no independent and	79.
26	objective evidence to support a claim	
27	that the Defendant Deputies denied	
28	the Decedent medical care.	
	<b><u>Evidence:</u></b>	
	Flosi Decl. ¶¶ 9(h), 31 -34.	
	80. A review of the material and video	80.
	evidence reveals that the last shot	
	was fired at approximately	
	11:45:15.	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	<b><u>Evidence:</u></b>	
5	Flosi Decl. ¶33.	
6	81.The approach to the Decedent	81.
7	began at approximately 11:47:07.	
8	<b><u>Evidence:</u></b>	
9	Flosi Decl. ¶33.	
10	82. LASD deputies make contact with	82.
11	the Decedent to render aid at	
12	approximately 11:47:17.	
13	<b><u>Evidence:</u></b>	
14	Flosi Decl. ¶33.	
15	83.The Decedent was handcuffed at	83.
16	approximately 11:47:40.	
17	<b><u>Evidence:</u></b>	
18	Flosi Decl. ¶33.	
19	84.A deputy confirmed that the fire	84.
20	department personnel was	
21	responding at 11:47.58.	
22	<b><u>Evidence:</u></b>	
23	Flosi Decl. ¶33.	
24	85.LASD deputies start rendering	85.
25	medical aid at approximately	
26	11:48:16.	
27	<b><u>Evidence:</u></b>	
28	Flosi Decl. ¶33.	
	86. The fire department personnel are	86.
	on scene at approximately 11:48.42.	
	<b><u>Evidence:</u></b>	
	Flosi Decl. ¶33.	
	87.After being shot, the Decedent fell	87.



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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	next to the rifle that he was	
5	wielding.	
6	<b><u>Evidence:</u></b>	
7	Flosi Decl. ¶34.	
8	88. There was a legitimate tactical need	88.
9	to get a shield and contact team	
10	formed with non-deadly and deadly	
11	force options prior to moving to	
12	whether the Decedent fell.	
13	<b><u>Evidence:</u></b>	
14	Flosi Decl. ¶34.	
15	89. It is also noted that there was	89.
16	information that the Decedent had	
17	stabbed another person and the	
18	edged weapon was unaccounted for.	
19	<b><u>Evidence:</u></b>	
20	Flosi Decl. ¶34.	
21	90. It is demonstrably false that LASD	90.
22	deputies denied the Decedent of	
23	medical care.	
24	<b><u>Evidence:</u></b>	
25	Flosi Decl. ¶31-34.	
26	91. The deadly force responses by the	91.
27	deputies were appropriate and	
28	reasonable to prevent a perceived	
	credible threat of injury created by	
	Decedent's actions and behaviors.	
	<b><u>Evidence:</u></b>	
	Flosi Decl. ¶31-34.	
	92. The deadly force responses by	92.
	Vasquez and Barajas were	

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2	<b><u>Material Facts and Supporting</u></b>	<b><u>Supporting Evidence:</u></b>
3	<b><u>Evidence:</u></b>	
4	appropriate and consistent with	
5	current law enforcement training	
6	standards in consideration of the	
7	"totality of circumstances"	
8	presented to them at the moments	
9	non-deadly force was used.	
10	<b><u>Evidence:</u></b>	
11	Flosi Decl. ¶30.	
12	93. There is no objective independent	93.
13	evidence in the record that LASD	
14	failed to adequately train the	
15	involved deputies or that LASD	
16	maintains unconstitutional customs,	
17	practices, and/or policies.	
18	<b><u>Evidence:</u></b>	
19	Flosi Decl. ¶35-40.	

20 DATED: September 29, 2025 HURRELL CANTRALL LLP

21 By: /s/ Jerad J. Miller

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26 LOS ANGELES, MARISOL BARAJAS

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28